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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,281	07/31/2003	Karl E. Miller	CE11604W	3350
23330	7590	07/18/2007	EXAMINER	
MOTOROLA, INC. LAW DEPARTMENT 1303 E. ALGONQUIN ROAD SCHAUMBURG, IL 60196			LIN, WEN TAI	
			ART UNIT	PAPER NUMBER
			2154	
			MAIL DATE	DELIVERY MODE
			07/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,281	MILLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 July 2003 and 26 January 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,8,9,13-17 and 20 is/are rejected.
- 7) Claim(s) 4-7,10-12,18 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al.[U.S. Pat. No. 7130275].

4. As to claim 1, Gross teaches the invention as claimed including: a signaling method for line terminal equipment health and status information [e.g., Abstract; Figs. 1-3] comprising the steps of:  
providing at least first and second line terminal equipment (LTEs) [e.g., 30, 35, Fig. 1];

transmitting by said at least first and second line terminal equipment a health and status information to a plurality of bearer payload processors (BPPs); and collecting by each of said plurality of BPPs the health and status information from the at least first and second LTEs [e.g., col. 3, lines 18-53; note that the “handshaking” mechanism between the LTEs and BPPs delivers the health and status information to each other. For example, all BPPs send messages to both LTEs and in return, the LTEs also acknowledge to each BPP].

5. As to claim 2, Gross further teaches that there is further included a step of receiving by the plurality of BPPs the health and status information of the at least first and second LTEs [e.g., col.2, lines 25-29; that is, in response to communication originated from the BPPs, each LTE must also transmits acknowledgement signal to the BPPs].

6. As to claim 14, since the features of this claim can also be found in claims 1-2, it is rejected for the same reasons set forth in the rejection of claims 1-2 above.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 8-9, 13-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tetreault et al.(hereafter "Tetreault")[U.S. Pat. No. 5555372].

9. As to claim 1, Tetreault teaches the invention substantially as claimed including:  
a signaling method for line terminal equipment health and status information [e.g., Abstract] comprising the steps of:

providing at least first and second line terminal equipment (LTEs) [e.g., 12-13, Fig.1];

transmitting by said at least first and second line terminal equipment a health and status information to a plurality of processors (BPPs) [e.g., 19-20, Fig.1]and

collecting by each of said plurality of BPPs the health and status information from the at least first and second LTEs [col.3 line 40 – col.4, line 17].

Tetreault teaches that the processors are digital data processor. Tetreault does not specifically teach that the processors are bearer payload processors.

However, it is obvious to one of ordinary skill in the art that Tetreault's system/method may also be applicable to system involving bearer payload processing because the technique required to carry out Tetreault's invention is not restricted by the type of processor's application program, but sufficient processing power to carrying out the intended algorithms [col. 9, lines 15-17].

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10. As to claim 2, Tetreault teaches that the signaling method further includes a step of receiving by the plurality of BPPs the health and status information of the at least first and second LTEs [e.g., col.5, line 66 – col. 6, line 6].

11. As to claim 3, Tetreault teaches that the signaling method further includes a step of concatenating by each of the plurality of BPPs the health and status information of the at least first and second LTEs [e.g., Figs. 2-3; col.5, line 66 – col. 6, line 6; i.e., since the data is multiplexed onto the common bus, it is picked up at the destination processors (19-20) with information of different sources concatenated in its original sequence].

12. As to claims 8-9 and 13-14, since the features of these claims can also be found in claims 1 and 3, they are rejected for the same reasons set forth in the rejection of claims 1 and 3 above.

13. As to claim 15, Tetreault teaches that the signaling method further includes a step of comparing by each LTE the health and status information of the at least first and second LTEs [Figs. 3-4; col.5 line 8 – col. 6, line 18; note that all the bus devices have capability of monitoring errors from the bus, wherein compare operation is inherently needed].

14. As to claims 16-17 and 20, since the features of these claims can also be found in claims 1, 3, 8-9 and 14, they are rejected for the same reasons set forth in the rejection of claims 1, 3, 8-9 and 14 above.

Claims 4-7, 10-12 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

minami [U.S. Pat. No. 6141326];  
Ikawa [U.S. Pat. No. 5073774];  
Takahashi et al. [U.S. Pat. No. 6219336];  
Smith et al. [U.S. Pat. No. 6359858]; and  
Foti [U.S. Pat. No. 5839064].

15. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

***Conclusion***

**Examiner note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

- (571) 273-8300 for official communications; and
- (571) 273-3969 for status inquires draft communication.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

July 13, 2007



7/13/07